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E-filed 3/21/07

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,) No. CR 05-00727 JF / PVT
12 Plaintiff,)
13 v.) **STIPULATION TO CONTINUE
14 SERGIO FIGUEROA-CASTENADA,) HEARING AND EXCLUDE TIME;
15 Defendant.) [PROPOSED] ORDER
16)**

17 Defendant and the government, through their respective counsel, hereby stipulate that,
18 subject to the court's approval, the hearing in the above-captioned matter, presently scheduled for
19 Wednesday, March 21, 2007, be continued to Wednesday, April 18, 2007, at 9:00 a.m.

20 Mr. Figueroa has been engaged in collateral state court proceedings regarding the validity
21 of convictions that resulted in his deportation. All briefing is now complete; however, the
22 defense has been informed by Mr. Figueroa's state court attorney, Alex Reisman, Esq., that the
23 state court judge has not yet issued a decision. The judge recently issued a scheduling order
24 stating that he would issue a decision by April 6. Accordingly, to allow time for the parties to
25 discuss a resolution of this case after the decision is issued, the parties request that the matter be
26 continued to April 18, 2007.

STIPULATION TO CONTINUE
HEARING DATE; [PROPOSED] ORDER
No. CR 05-00727 JF

1 The parties further agree that time should be excluded under the Speedy Trial Act because
2 the defense requires time for effective preparation and investigation, and the ends of justice
3 outweigh the defendant's and the public's need for a speedy trial.

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5 Dated: 3/20/07

/s/
LARA S. VENNARD
Assistant Federal Public Defender

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7 Dated: 3/20/07

/s/
ERIC ROSEN
Assistant United States Attorney

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ORDER

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10 The parties have jointly requested a continuance of the hearing set for March 21, 2007, to
11 allow time for the state court to issue a decision with respect to Mr. Figueroa's state habeas
12 petition.

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14 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the hearing date
15 presently set for March 21, 2007, be continued to April 18, 2007, at 9:00 a.m.

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17 Pursuant to the parties' stipulation, IT IS FURTHER ORDERED that the period of time
18 from March 21, 2007, to April 18, 2007, shall be excluded from the period of time within which
19 trial must commence under the Speedy Trial Act, 18 U.S.C. § 3161 et seq.

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Dated: 3/21/07


JEREMY FOGEL
United States District Judge

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